

 Chicago Police Department <b>SEARCH WARRANT AND CONSENT TO SEARCH INCIDENTS</b>		<b>Special Order S04-19</b>	
<b>ISSUE DATE:</b>	01 June 2007	<b>EFFECTIVE DATE:</b>	02 June 2007
<b>RESCINDS:</b>	S07-06		
<b>INDEX CATEGORY:</b>	Preliminary Investigations		

## I. PURPOSE

This directive:

- A. outlines procedures for preparing Complaints for Search Warrants (CCMC-1-219) and Search Warrants (CCMC-1-220).
- B. establishes the procedures for obtaining, executing, returning, and retaining Complaints for Search Warrants and Search Warrants.
- C. prescribes a process for the review of Complaints for Search Warrants and Search Warrants by unit commanding officers/watch commanders before these documents are submitted to an assistant states attorney.
- D. establishes procedures for conducting a consent to search incident.

## II. POLICY

- A. A sworn member of the **rank of sergeant or above** will perform the functions of the search team supervisor and will:
  1. oversee all pre-execution planning requirements.
  2. be present and remain on the scene during the time of execution.
  3. oversee all post-execution reporting requirements.
- B. A sworn member assigned to the search team and designated by the search team supervisor will perform the functions of the evidence officer for every search warrant execution.
- C. Uniform Requirements
  1. For each search warrant execution, at least one participating member will be attired in the prescribed seasonal field uniform.
  2. For the purposes of public and individual officer safety, all civilian dress members of the Chicago Police Department engaged in the execution of a search warrant will make themselves identifiable by use of specialized personal garments (i.e., Specialized Cap and Warrant Team Vest), in accordance with the provisions of this directive.

**NOTE:** Descriptions of and authorizations for specialized personal garments are contained in the Department directive entitled "**Departmental Identification / Specialized Personal Garments.**"

3. In unusual circumstances, the search team supervisor may authorize an exception to uniform requirements, but must be prepared to justify such an exception (e.g., approach path is carefully guarded, necessitating covert entry onto the premises; search team members must remain inconspicuous at the location delaying actual search warrant execution until the arrival of a particular offender).

4. Department members assigned to the Office of the Superintendent and the Bureau of Investigative Services may be exempt from the uniform requirements with prior approval from the appropriate command staff-level Department member.
- D. Department members are prohibited from using their personal funds for the purchase of cannabis, controlled substances, or other items of contraband.
- E. All search warrants obtained by Department members, including those which did not result in the seizure of property or are returned unexecuted, will be documented by the creation and approval of a Search Warrant Data record in the CLEAR system.

### III. GENERAL INFORMATION

- A. Specific units, designated by the appropriate bureau deputy superintendent or command staff-level Department member, will be authorized to wear specialized personal garments during the execution of search warrants or other Department-related duties.
- B. The Equipment and Supply Section, will maintain a supply of specialized personal garments for distribution to designated units that have personnel authorized to wear specialized personal garments.
- C. Department members authorized to wear specialized personal garments and attired in civilian dress **will** wear the required identifying garments prior to and while executing a search warrant.

**NOTE:** All districts and designated units have been supplied an inventory of Warrant Team Vests to be made available for the execution of search warrants.

### IV. SEARCH WARRANT CLASSIFICATIONS

#### A. John Doe Search Warrants

1. An individual will be classified as a John Doe for the purposes of obtaining a Search Warrant when:
  - a. the individual provides specific information concerning a criminal activity to a specific Department member or team;
  - b. the individual wishes to remain anonymous throughout course of obtaining the search warrant; and
  - c. the specific information has been verified and corroborated by an independent investigation by the Department member.
2. Department members utilizing an individual classified as a John Doe for the purposes of obtaining a search warrant will present this individual to the judge approving the Search Warrant.

#### B. Unregistered Cooperating Individuals

1. An individual will be classified as an **Unregistered Cooperating Individual (UCI)** for the purposes of obtaining a Search Warrant when the individual:
  - a. provides specific information concerning a criminal activity to a specific Department member or team;
  - b. has given repeated, documented, and verified information concerning prior criminal activity to a specific Department member or team;
  - c. **has not received** monetary or other compensation for cooperation; and
  - d. **is not registered** with the Organized Crime Division.
2. Unregistered Cooperating Individual (UCI) Files
  - a. In order to provide protection to both Department members and the UCI, a standardized procedure has been established to document the use of the UCI. In

order to protect the anonymity of the UCI, Department members utilizing a UCI will maintain a UCI File which will:

- (1) document the identity and reliability of the UCI;
  - (2) establish the credibility of the UCI in support of search warrant activities; and
  - (3) collect and retain pertinent information of the UCI in order to maintain the integrity of the system.
- b. Department members utilizing a UCI will maintain a UCI File which will include a copy of any:
- (1) associated reports from each instance the UCI provides information that leads to an arrest or recovery of evidence.
  - (2) Illinois State Police Crime Lab Report from each instance a lab report is received for evidence that was recovered based on information received from a UCI.
  - (3) Search Warrant obtained based on information received from a UCI.
- c. UCI Files maintained by Department members will contain information and documentation from the previous twenty-four month period.
3. Department members utilizing a UCI for the purposes of obtaining Search Warrants, upon submission of the Search Warrant, will make the UCI File available for review to the approving unit commanding officer / watch commander.

C. Registered Cooperating Individual (RCI)

1. An individual will be classified as a **Registered Cooperating Individual (RCI)** for the purposes of obtaining a Search Warrant when the individual:
  - a. provides specific information concerning a criminal activity to a specific Department member or team;
  - b. has given repeated, documented, and verified information concerning prior criminal activity to a specific Department member or team;
  - c. is eligible to receive monetary or other compensation for cooperation consistent with established Department policy; and
  - d. is registered as a RCI through the Organized Crime Division.

2. Registered Cooperating Individual (RCI) Files

In order to provide protection to both Department members and the RCI, a standardized procedure has been established to document the use of the RCI. In order to protect the anonymity of RCIs, a secured Department repository is maintained by the Organized Crime Division, Bureau of Investigative Services, and contains the Departments Registered Cooperating Individual Files. RCI Files are created to:

- a. document the identity and reliability of the RCI;
- b. establish the credibility of the RCI in support of search warrant activities;
- c. document an individuals cooperation in support of requests for letters of consideration;
- d. record the monetary payments and dispensing of 1505 and contingency fund monies; and
- e. collect and retain pertinent information of the RCI in order to maintain the integrity of the system.

3. Department members utilizing a RCI for the purposes of obtaining Search Warrants will:
  - a. register the Registered Cooperating Individual with the Organized Crime Division.
  - b. submit to the Organized Crime Division (OCD) for retention in the RCI File a copy of any:
    - (1) associated reports from each instance the RCI provides information that leads to an arrest or recovery of evidence.
    - (2) Illinois State Police Crime Lab Report from each instance a lab report is received for evidence that was recovered based on information received from an RCI.
    - (3) Search Warrant obtained based on information received from a RCI.
    - (4) documentation of monetary payments and dispensing of 1505 and contingency fund monies.
  - c. retain a copy of the documents submitted to OCD outlined in Item IV-C-3-b, in a unit-level RCI file from the previous twenty-four month period.
  - d. upon submission of a Search Warrant for approval, make the unit-level RCI File available for review to the approving unit commanding officer/watch commander.
- D. The Chief, Organized Crime Division (OCD), will ensure Registered Cooperating Individuals (RCI) are registered and the Organized Crime Division Registered Cooperating Individual File System is maintained and secured in accordance with established policy and procedures set forth by OCD directives.
- E. For the purposes of obtaining a Search Warrant, unit commanding officers / watch commanders of units utilizing:
  1. John Does will ensure the information has been verified and corroborated by an independent investigation by the Department member prior to approval of the Search Warrant.
  2. Unregistered Cooperating Individuals (UCI) will review the UCI File prior to approval of the Search Warrant.
  3. Registered Cooperating Individuals (RCI) will review the unit-level RCI File prior to approval of the Search Warrant.

#### V. BOUNDARY CONSIDERATIONS

- A. Whenever a Department member wishes to obtain a search warrant to be executed outside of Cook County and the search warrant is related to a criminal offense which occurred outside the jurisdiction of Cook County, the member will follow the procedure required by the Office of the States Attorney of the affected jurisdiction regarding preparation and execution of the warrant, processing of evidence, and prosecution.

**NOTE:** Department members obtaining a warrant according to the procedures outlined above **are still required** to follow the provisions of this directive regarding Department supervisory review and search warrant documentation and execution procedures.

- B. The Office of the Cook County States Attorney will be contacted, according to the procedures outlined in this directive, when Department members seek to obtain a search warrant in the following circumstances:
  1. The location of the search warrant is within the City of Chicago.
  2. The associated criminal act occurred within the City of Chicago, and a search warrant is sought for a location, either:
    - a. outside the corporate limits of the City of Chicago, or

- b. outside the geographical boundaries of Cook County.

**NOTE:** Whenever possible, Department members who intend to execute a search warrant outside the City of Chicago will notify the local jurisdiction to seek the assistance of local law enforcement personnel.

- C. Members assigned to the Bureau of Patrol will not execute search warrants outside of their boundary of assignment unless they are working with personnel from a unit of the Bureau of Investigative Services or the district of occurrence. In such circumstances, prior to execution, notifications must be made to:
  - 1. the watch commander of the district of occurrence;
  - 2. the unit commanding officer / watch commander of the search team; and
  - 3. Operations Command.
- D. Department members executing a Search Warrant outside the corporate limits of the City of Chicago will notify:
  - 1. the unit commanding officer / watch commander of the search team; and
  - 2. Operations Command.

#### **VI. SEARCH WARRANT COMPLAINT PREPARATION**

- A. A Department member preparing a Search Warrant will:
  - 1. prepare one original Complaint for Search Warrant and one original Search Warrant.
  - 2. ensure that both the Complaint for Search Warrant and the Search Warrant accurately and specifically describe the person and/or premises to be searched and articles to be seized.
  - 3. present both the Complaint for Search Warrant and Search Warrant to the unit commanding officer / watch commander for review.
- B. The unit commanding officer / watch commander will:
  - 1. examine the Complaint for Search Warrant and the Search Warrant in light of statutory and constitutional requirements.
  - 2. determine that:
    - a. the facts alleged in the complaint are credible and reliable. If the complaint is based upon information received from a John Doe, Unregistered Cooperating Individual, or Registered Cooperating Individual, the unit commanding officer / watch commander will:
      - (1) follow the guidelines established in Item IV of this directive.
      - (2) determine whether the Search Warrant is substantiated by claims of prior use of the particular individual or clearly indicates that an investigation undertaken as a result of the information received validates an assertion of probable cause.
    - b. all facts stated in the complaint were properly obtained.
    - c. the investigation leading up to the need for a search warrant has been thoroughly conducted. If additional investigation is determined to be necessary, the complaint will be returned to the Department member for appropriate action.
    - d. the information concerning the place(s) and/or person(s) to be searched is specifically and accurately described in both the Complaint for Search Warrant and the Search Warrant.

- e. the articles to be seized are described with particularity.
  - f. the technical aspects of both the Complaint for Search Warrant and the Search Warrant are correct (dates, times, spelling of names, etc.).
  - g. probable cause for the issuance of the Search Warrant is stated in the complaint. Probable cause is present when the facts and circumstances are sufficient to warrant a person of reasonable caution to believe that a crime has been committed, and that evidence of the crime can be found at the premises to be searched.
- 3. interview the Department member requesting the Search Warrant, if necessary, for clarification or verification.
  - 4. ensure Chicago High Intensity Drug Trafficking Area (HIDTA) is notified and the search warrant information is submitted on a Chicago HIDTA Deconfliction Submission for event deconfliction following the established procedures.
  - 5. indicate approval of both the Complaint for Search Warrant and the Search Warrant by **initialing with star number and recording the date of approval and deconfliction number** in the lower-left margin of the face side of **each original** document, returning the documents to the requesting Department member.

## VII. SEARCH WARRANT APPROVAL

A member seeking to obtain a search warrant will:

- A. obtain approval from a Cook County Assistant States Attorney assigned to the Felony Review Unit or Narcotics Prosecution Bureau, or City of Chicago Attorney, as appropriate, using one of the following approval procedures:

- 1. Present the Complaint for Search Warrant and the Search Warrant in person for review and approval:
  - a. between 0900 and 1700 hours on regular court days at the Cook County States Attorneys Office.
    - (1) **Narcotics-related** warrants will be processed by the Narcotics Prosecution Bureau.
    - (2) **All others** will be processed by the Felony Review Unit.
  - b. between 1700 and 0900 hours or on court holidays to an assistant states attorney assigned to the Felony Review Unit.

**NOTE:** The requesting officer should contact the Felony Review Unit prior to arriving at the Cook County States Attorneys Office.

- 2. for narcotics-related and gambling-related Search Warrants, submit the Complaint for Search Warrant and the Search Warrant following the procedures outlined in the directive entitled **"Alternate Search Warrant Approval Method."**
  - 3. for Search Warrants alleging criminal acts in violation of the Municipal Code of Chicago which carry a penalty of incarceration upon conviction, follow the procedures outlined in the directive entitled **"Municipal Ordinance Search Warrant Approval Method."**
- B. ensure that the approving attorney who examines the complaint signs and enters a warrant number on the original document of both the Complaint for Search Warrant and Search Warrant.
  - C. present the Complaint for Search Warrant and Search Warrant to a judge for signature.
  - D. ensure the date and time of the judges approval has been recorded by the court on both original documents.